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FULL PUBLIC ACCOUNTING BY FBI CALLED FOR IN DEMOCRATIC PLANNING GROUP REPORT TO 1972 DEMOCRATIC PLATFORM COMMITTEE

Washington, May 6 -- Charging that the "FBI has gone 50 years without a full public accounting, particularly of unjustified political surveillance," the Intelligence and Security Planning Group of the Democratic Policy Council called on responsible authorities in the Executive Branch "to re-examine the impact of the Bureau's archaic assumptions and practices on individual privacy and political liberty."

Courtney Evans, former Deputy Director of the FBI and planning group member, said: "A way must be found to maintain the integrity of the FBI at the same time providing policy guidance and direction in security and intelligence investigations particularly in areas where there is likely to be a legitimate difference between freedom for individual citizens and security for the government itself."

The planning group recommended:

-- The appointment of a new Director of the FBI whose primary qualities are administrative skills and policy-setting capabilities;

-- The same thoroughness in selecting the Director of the FBI that is required for a Supreme Court appointee;

-- The establishment of a Congressional watchdog committee including members from Judiciary, Appropriations, and Foreign affairs committees as well as other committees and subcommittees concerned with citizen privacy, crime control and government efficiency.

Prepared under the chairmanship of Sen. Adlai E. Stevenson III (D-Ill.), the report is the eighth in a series of issue papers to be released by Democratic National Chairman Lawrence F. O'Brien, under the recommendations of the O'Hara Commission that documents outlining issues and alternative positions to the policies of the Nixon Administration be prepared for the Platform Committee.

Reviewing the issues centering on clandestine activities -- domestic and foreign -- of the U.S. Government, the report cites "organizational deficiencies in the present intelligence apparatus, the engineering of restraint on the press, data banks and definitions of loyalty", as major factors in the deterioration of personal privacy and civil liberties under the Nixon Administration.

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The recommendations and full documentation of the planning group's studies will appear in a forthcoming monograph, edited by Professor Richard H.A. Blum, of Stanford University.

Emphasizing that the views and recommendations contained in each paper are those of the members of the committee or planning group, O'Brien said, "We do not presume to speak for anyone in the Democratic Party other than those who directly had a role in the preparation of these reports. By the same token, however, we are confident that these views will be afforded the most serious consideration by the Platform Committee members in writing the 1972 Democratic Platform."

Professor Richard E. Neustadt of Harvard University is acting chairman of the 1972 Democratic Platform Committee.

The full text of the summary report of the planning group on intelligence and security follows:

(Editors: For additional information on specific papers prepared for the Intelligence and Security Planning Group, call Professor Richard Blum -- 415/321-2300 ex. 4101)

INTELLIGENCE AND SECURITY: ISSUES AND DIRECTIONS FOR AMERICA

Adlai E. Stevenson III, Chairman

The planning group on intelligence and security gathered information in several ways:

- It benefitted from Senate hearings on domestic intelligence activities and the violation of legal rights and privacy conducted by Senator Sam Ervin (D., N. Carolina), and from House hearings on government secrecy conducted by Representative John Moss (D., Calif.).

- Interviews and pilot surveys were conducted to determine attitudes, opinions and recommendations from a wide range of populations, including student moderates and student radicals, blue collar workers, police officers and personnel in American intelligence organizations.

- Opinions and recommendations were solicited from outstanding scholars, civil liberties defenders, government administrators, and intelligence practitioners.

These studies, to be published in full in time for the presidential campaign, hopefully will focus greater public attention on the vital issue of intelligence and security. These summary notes touch only the highlights of the planning group's work.

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The Scope of the Intelligence Crisis

The planning group concerned itself with the profoundly important issues centering on clandestine activities -- domestic and foreign -- of the U. S. government with special reference to the problems that secrecy, domestic investigations, and concealed operations present to the nation, as well as to the necessary function that these activities serve. These issues hinge on the proper definition of foreign intelligence functions that are allied to foreign policy aims and, domestically, on the question of what constitutes loyalty to the United States and what needs, if any, justify covert government activities within the United States.

Roger Hilsman of Columbia University, former State Department intelligence chief, observed:

"Secrecy and deception will always create problems in a free society.... Secrecy tends to corrode confidence among different officials and between the government and the press..../There is/ tension between the need to engage in clandestine activities and our national reputation. A reputation for openness, respect for others, and idealism is inconsistent with the deviousness and intrigue of secret service techniques."

With regard to intelligence activities directed at presumably hostile foreign powers, Hilsman went on,

"...Countries that are the targets of this hostility have both a right and a duty to protect and defend themselves...where those methods (of intelligence) are effective and appropriate and for which there is no effective and appropriate alternative. The trouble has been, of course, that these qualifications have not always been observed. "

Ithiel de Sola Pool of MIT emphasized the problem that faces Congress and the Executive, asking:

"How can a democratic government which has to reflect the moral values of its citizens handle the need to act effectively in the lawless cynical world of nations that do not share those values? How can the Congress be given more access to knowledge about what is going on abroad so that it can enter into a more effective partnership with the Executive in regard to foreign policy? How can secrecy be reconciled with the spirit of science and the search for truth? How can executive privilege be reconciled with the need to diffuse knowledge to the whole public for a democratic foreign policy?

"The basic crisis of American intelligence is a moral one. It must re-justify its methods and its role in the eyes of the country and the world....In a democracy foreign policy is not the private property of the government....The American people could use, and are not getting, a substantial part of the information that the intelligence complex produces."

Robert North of Stanford expanded on this relationship between the intelligence function and the informational needs of a free society, recommending a new concept of foreign intelligence:

"The gathering of intelligence suggests the assessment of the transactions within a society and of one society with other societies....These do not pertain...to what a particular individual or group dissident is doing per se, or what devious policies a rival country is formulating per se but how well the home government is performing in terms of meeting the needs of its people and in contributing to a livable foreign environment. The problem is how to employ the feedback concept (monitoring interaction and guiding U. S. action) for solving problems before they become problems. It is quite possible that maximum public intelligence -- the point where each society as a whole and each member of it knows as much as possible about what every other society is up to -- might have a stabilizing effect (on international relations). Unrestricted dissemination of accurate information -- both from country to country and between leaders and populaces -- might enhance the probabilities, over the long run, of human survival."

Organizational Deficiencies

Given this immense challenge, it is clear that the present organization and orientation of the intelligence apparatus is not sufficient. Harry Ransom of Vanderbilt University observed that even the Nixon Administration has admitted the intelligence system is not operating efficiently:

"Unfortunately, it has been impossible for the public or even concerned members of Congress, to obtain enough information on this subject for informed judgment."

Professor Ransom demanded that "the next administration, the next Congress, and concerned citizens must remedy this situation."

Harold Wilensky, University of California (Berkeley), opening inquiry into matters of organization and reform of the intelligence apparatus observed that "the principle difficulties are the theoretical orientations and ideologies of top experts and officials, the structures for tapping knowledge, and the location of authority."

And Jerrold Walden, Walter F. George School of Law, pointed out that this orientation constitutes:

"...the subliminal foreign policy of the United States -- one which has openly tolerated a policy of lawlessness -- in the pursuit of American objectives abroad. Law and order has become an important issue on the domestic scene. It is now time that the issue of law and order in our international affairs be dealt with as well. A policy decision must be made by the Chief Executive."

Domestic Intelligence and the Nixon Administration

With regard to domestic affairs, the surveillance of Americans and the consequent intrusion on Constitutional liberties and privacy along with the threat of discrimination, blackmail, etc., that arises from secret investigations, historian David Brion Davis, Yale University, observed:

"Looking from afar at the entire history of American security policies, one is struck by the appalling discrepancies between noisy commotion and actual danger. We have caught very few genuine spies or traitors. One must conclude that our security programs since the Smith Act have had less impact on foreign intelligence agencies (operations against us) than on domestic political life. It is only in recent history that foreign espionage has become a genuine problem requiring highly professional techniques of counter-intelligence. This is the chief business of any internal security program and should not be confused with the surveillance or harrassment of domestic dissent. Unfortunately, the latter activities have played a major role in the historical development of American internal security. At times we have approached the threshold of becoming a police state. Our history shows that any authentic definition of loyalty must take account of our mixed and uncertain identities, of our tradition of dissent, and of our desire to think of America as an unfinished experiment. The preservation of our American liberties must depend on the wisdom, courage and restraint of the president. As the Founders demonstrated, it is possible to build political structures that give freedom itself a reasonable degree of security."

The recent threats and failures of domestic security operations and of the engineering of restraint on the press by the Nixon Administration occupied the planning group. Their attention was drawn to:

- The chilling effect government actions have had on the freedom of the press;
- The impropriety of the Army in conducting investigations of any kind which infringe on the rights and liberties of citizens;
- The practice of government agencies more and more to conceal their activities and to deprive the public of information due them by abuse of classification procedures;
- The untouchable status of the FBI leadership with its painful implications for the unresponsiveness of the FBI either to modern management practices or to a proper concern for the protection of individual rights;
- The proliferation of uncontrolled and illegally operating surveillance operations by state and local police;
- The rapid growth of technology, both surveillance devices and computer dossier systems in government hands, and the near total failure of these information systems to be operated according to rules, or under that public supervision, that would protect the citizen or limit the growth of these potentially totalitarian instruments.

Information and the Press

With regard to freedom of information and freedom of the press, Dean Roy Fisher, University of Missouri, commented:

"...The effort of the government to intrude upon the role of the press has continued. The government has sought to seize photographs, reporters' notes, and the confidentiality of (reporters') sources as well. Government agencies were attempting to force the news media to do their intelligence work for them, and (at the same time) government agents were infiltrating the newsmen's ranks posing as reporters or photographers. The greatest threat to the news media in its adversary role is the tendency of the government to retaliate against what it considers to be the media's attempt to undermine it. When this happens, it is a one-sided battle."

The role of the Nixon Administration in stifling freedom of the press was emphasized by Dean Fisher:

"There is a general belief among newsmen that the Nixon Administration has conducted a systematic and premeditated program to discredit the media. It has focused its primary energies toward those newsmen and editors whom it considers unfriendly to the administration."

The Role of the FBI

Turning to the FBI, John Elliff, Brandeis University, introduced his remarks with a summary of the problem:

"The FBI has gone 50 years without a full public accounting. Because its intelligence operations have been seriously criticized for bureaucratic rigidity and for unjustified political surveillance, the FBI now requires careful reexamination. The immense authority reposed in the FBI Director should not be transferred to a successor. The FBI has not adequately recognized the specialized requirements for an expert, well-trained and carefully controlled intelligence agency to counter violent extremism and foreign intelligence probes. Responsible authorities in the Executive Branch have also failed to re-examine the impact of the Bureau's archaic assumptions and practices on individual privacy and political liberty."

Courtney Evans, former Deputy Director of the FBI stated:

"A way must be found to maintain the integrity of the FBI at the same time providing policy guidance and direction in security and intelligence investigations. While there should be restraint and sensitivity to human values in all investigations, these are more important in areas where there is likely to be a legitimate difference between freedom for individual citizens and security for the government itself."

Data Banks and Individual Liberty

Referring especially to the problem of data banks, as run by the FBI and other government agencies, Christopher Pyle, Columbia University, stated:

"Over the past half century, in ways not always known to its citizens, the U. S. has acquired the intelligence apparatus of a police state. We have allowed the machinery of political surveillance to collect behind the closed doors of unregulated intelligence, law enforcement and internal security agencies."

"These agencies monitor virtually all public and much private political dissent in the country. Aided by computers and teletypes they store this information in quantities and disseminate it at speeds never before achieved. As a result, the possibility of authoritarian government has grown considerably....

"Paradoxically, even as this apparatus has developed, the civil liberties of most Americans have been preserved and expanded. (Some credit for this) must go to the men who run the domestic intelligence community. Unlike their counterparts in some other countries, they do not seek to govern, but only to protect those who do from those they fear would overthrow them. Nonetheless, the fact that the intentions of these officials appear benign is no guarantee that the apparatus they have created will not some day come under the control of others for whom the investigative power is a weapon to be wielded against political and personal foes."

And Major William Florence, an expert in government information classification, told us:

"Secrecy in the Executive Branch of the Federal Government has developed into one of the most serious problems of our time. The increasing tendency of Federal bureaus to operate in secrecy has created a state of antagonism between the Executive Branch and the people of this country, including the Congress. The more secret the Executive Branch becomes, the more repressive it becomes. It has adopted the practice of honoring its own secrets more than the right of a free press or the right of a citizen to free speech. Effective measures must be taken as soon as possible to eliminate unjustified secrecy from our government. The people must know what is going on. They must have knowledge to make intelligence decisions for themselves."

Rep. John Moss (D, Calif.) called for "the elimination of any Presidential right to classify government information by the vehicle of Executive Order. He should be required to seek such authority from Congress through statutory laws."

A Definition of Loyalty

With regard to the special problem of the consequences of government personnel investigations that exclude applicants for government posts, Richard Blum, Stanford University, noted:

"Our pilot studies suggest considerable diversity of definitions of loyalty -- and of conduct considered disloyal among citizens. If we take the special case of the liberal college graduate, one with a "record" of civil disobedience or ideological protest, it may well be that his hidden dossier marks him as unemployable by the government. But one cannot be sure because neither those files nor the standards for personnel selection are public. Government personnel officers, and official publications, do not state what the grounds are for excluding a young applicant for employment. Consider the very likely possibility that the consequence of security investigations plus the undefined standards for exclusion plus the tendency of the administration to consider protesters (e.g., Vietnam War, the draft, industrial pollution) as disloyal will be to exclude large numbers of high caliber young people from government positions while only the most conservative applicants are hired.

"In twenty years or so these liberal young people will be our national leaders and their views will be in powerful opposition to the conservatives who will be running the bureaucracy. Those are the conditions at the very least for national schizophrenia and possibly for civil war -- a war of the people against the government. It is clear that we cannot afford secret processes in the selection of personnel nor the elimination from the possibility of government posts of our liberal or moderate young people for that constitutes a recipe for disaster."

RECOMMENDATIONS

The planning group feels that the major recommendations are implicit in the statement of the problem as illustrated in the preceding remarks. All of the persons contributing to the panel's work made quite specific recommendations deriving from their experience, analysis and judgment. Each attended in detail to the means whereby the backward trends of the Nixon regime could be reversed and improvements instituted that would lead to wiser policies, more effective operations and a more appropriate view of national and international events.

These recommendations as well as the documentation upon which they are based are specified in the forthcoming monograph. We can, in this brief summary, only illustrate some of the recommendations made.

Executive Transition

Upon the election of a Democratic president, the planning group strongly recommends the immediate formation of a transitional staff on intelligence and security. This staff, composed of outstanding personnel, will advise the President-elect of the actual status of intelligence and security organizations and operations, will provide adversary comment on the (often) self-serving information given to a new President by these organizations, and will recommend policies and programs to go into effect as soon as the President-elect takes office. In this way the President will begin to function as the top policy maker and director for intelligence, foreign and domestic, will avoid becoming the prisoner of bureaucratic self-aggrandisement, and can take urgent and powerfully-needed steps for reform.

Operational Goals and Budgetary Control

The missions of all intelligence and security agencies must be specified in operational terms. Measures of performance and indices of unwarranted activity must be established. Acceptable and unacceptable methods of work must be defined in relationships to democratic principles, Constitutional law and a sophisticated understanding of international relations and the positive role of dissent within the body politic.

Although organizational changes will depend upon the agency, a senior official charged with Management and Evaluation will likely be required. Budgetary review in cooperation with the Office of Management and Budget will be undertaken in liaison with evaluation outcomes. In every instance, non-governmental advisory boards suitably cleared must also have access to evaluation data.... The notion of intelligence and security agencies operating as fiefdoms responsible and known only to themselves must end. Budgetary care is one avenue for supervision.

Organization and Liaison

A number of organizational developments were proposed. Although each requires careful consideration, some are listed here to illustrate possibilities:

- For All Agencies. Appoint a permanent Commission on Intelligence, Security and Individual Rights that would serve as an independent public body with rights of full inquiry and that would recommend changes in policy, legislation and administration for all agencies engaged in domestic intelligence and security activities. Commission members would be nominated by the Executive, the Congress and possibly by civic, professional and academic associations.

- For the Justice Department. Appoint an Assistant Attorney General for Management and Evaluation.

- For the FBI. The appointment of a new Director for the FBI whose primary qualities are administrative skills and policy setting capabilities. Police and intelligence skills per se are not required but judgment and sensitivity to human values are. The same thoroughness in his selection is required as is required for a Supreme Court appointee.

The Attorney General should be appointed to the National Security Council. Coordination between the FBI and other intelligence agencies (particularly the CIA) which is now abysmal must be remedied through joint direction and supervision at the Executive and NSC level.

Congress should appoint a watchdog committee for the FBI, one including members serving on Judiciary, Appropriations, and Foreign Affairs committees and on committees or subcommittees concerned with citizen privacy, crime control, and government efficiency. The FBI Director and his assistants would testify from time to time on their stewardship.

The President, through the Attorney General, must exercise policy and major administration supervision over the FBI. Attention must be paid to reducing the volume of paper work, refining selection of surveillance targets, and diverting effort from surveillance or intimidation of the innocent, reviewing the quality of covert penetration work, developing competence in the analysis/evaluation of raw intelligence data, creating an internal adversary system, and facilitating a sophisticated but politically restrained counter-intelligence capability.

- For Local Police. Emphasize training and development of personnel enabling them to identify and gather intelligence information and to employ new technology as authorized under federal law applied to crime prevention and solution, particularly organized crime and terrorism. Local policy intelligence activities must be divorced from any political surveillance or reporting; local police intelligence files must be free of political data of any kind except that which is directly linked to criminal acts.

- For Data Banks and Information Systems. There should be no Congressional recognition of the "doctrine" of Executive privilege insofar as this doctrine implies the dominance of the Executive Branch over Congress and the Courts. Automatic declassification of documents except State secrets (or National Defense Data and special information with other statutory protection) as defined by Congress should occur within three years after classification.

Liberalize and implement the Freedom of Information Act

The Executive should cease deferring to the judgment of career bureaucrats in matters relating to gathering, classifying, and storing "secret" information.

Acknowledge and enact legislation endorsing rights to privacy that would include:

- The right not to be subjected to unwarranted data collection;
- The right to refuse to answer official inquiries until the government proves substantial need, specific authority, demonstration of non-interference in political rights in consequence of the inquiry and the absence of alternative means to substitute for compulsory disclosure;
- The right to know who will receive the requested data;
- The right to notice of adverse administrative actions and the data on which they are based;
- The right to challenge data collection;
- The right to effective remedies against improper collection, analysis, distribution and retention of information.

Computerized data banks of individual records should have procedures whereby individuals are removed regularly from the files after a period without arrest or rearrest (varying depending on the nature of the offense).

Records should be kept of all uses and users of the files as part of an audit of file use and abuse. This implies data availability only to authorized agencies and careful control of dissemination.

The News Media

More careful framing of the language of the Freedom of Information Act is required -- in particular, "internal personal roles", "inter-office" and "intraoffice memoranda", "a clearly unwarranted invasion of personal privacy." These phrases now result in the abuse of the spirit if not the letter of the law.

Power of the courts to forbid publication by injunction should be cancelled except where a clear and present danger to the national security exists. The growth of prior censorship cannot be allowed.

Police and intelligence agencies must be prohibited from masquerading as journalists. National legislation is required to guarantee the reporter the right to protect confidences. Reaffirmation in practice of the First Amendment is required; its protections cannot be traded for immunity from political criticism or the threat of government harrassment.

Foreign Intelligence

- Recognize that foreign policy is not the right or property of the State Department, CIA, or the President; it belongs to the people, must be understood by the people, and must be approved by the people. That means they must have the information on which to make judgments; thus, intelligence operations must yield data available to and useable by the people. Perhaps an ombudsman could serve to get foreign area studies released to the public domain. His office would be in the National Security Council or under the Director of Central Intelligence.

- Reduce covert action operations by the CIA, limited to those that are truly effective and appropriate and for which there is no effective and appropriate alternative.

- Vastly improve working relationships between the CIA and the State Department, specifically reducing the number of CIA personnel serving in State Department positions. Permit transfer of CIA personnel into the Foreign Service and encourage State Department to assert its policy control over subliminal foreign policy under the direction of the Executive.

- Congress and congressmen should, as a matter of right, be able to address requests for information and analysis to ambassadors and the CIA. This might be done through a Congressional Service Office in the National Security Council or the CIA.

- Develop the intelligence community to be a major scientific enterprise, train its staff especially in social science knowledge, encourage public debate by scholars in the intelligence services and utilize open academic and scientific resources in intelligence analysis and estimating, publish as much foreign area research material as possible with proper attribution of (U. S. Agency) author source.

- Recognize that as modern intelligence capability has expanded so too has surprise in international relations. Indiscriminate data collection and inability to define priority targets contribute to foreign intelligence failures. So, too, do failures to modernize the management of the clandestine services and to train and supervise personnel in up-to-date methods for

"humint" (Human intelligence gathering). Act to improve performance and morale in the clandestine services by further professionalizing the service. Recognizing that crises responses are paradoxically of better quality than routine work, reduce the rigidity, bureaucratic blocks and other stupifying elements that negate sophisticated foreign intelligence activities.

- Consider amending the National Security Act of 1947 so as to remove the broad authority of the National Security Council to delegate to the CIA other duties "related to intelligence" so as to confine the Agency primarily to the gathering, analysis, coordination and dissemination of intelligence. The CIA best serves as an intelligence, not as a political action, agency. Those political actions that are required should be placed in the hands of the State Department. Unfortunately, Congress itself has limited the funds and freedom of the State Department to function adequately; thus, a basic remedy is required which gives renewed priority to the State Department. This, in turn, necessarily requires that the capabilities and management of the State Department be vastly improved.

- Recognize that the allocation of intelligence priorities and the definition of organization responsibilities is a function of domestic needs and politics fully as much, if not more than, the actions of foreign powers abroad. Secrecy, elitism, the mystique of expertise, all must be drastically reduced. In their stead, independent scholarship, maximum information flow and internal adversary procedures designed to encourage informed debate must be encouraged. Bridges between the intelligence community and the Executive, Congress and the people must be built.

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INTELLIGENCE AND SECURITY

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